

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

OCT 27 2003

PATRICK FISHER
Clerk

DOREEN JANICE CURRY,

Plaintiff-Appellant,

v.

ADAM'S MARK HOTEL,

Defendant-Appellee.

No. 02-5214
(D.C. No. 02-CV-28-H)
(N.D. Okla.)

ORDER AND JUDGMENT *

Before **MURPHY** and **PORFILIO** , Circuit Judges, and **BRORBY** , Senior Circuit Judge.

After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. See Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Plaintiff Doreen Janice Curry, proceeding pro se, appeals the summary judgment entered in favor of defendant on her claims arising from defendant's decision not to hire her. We exercise jurisdiction under 28 U.S.C. § 1291 and affirm.

Ms. Curry applied for a permanent position in defendant's accounting department, but was not hired. She asserted that defendant decided not to hire her because she had filed a lawsuit against her former employer. She then filed suit alleging race discrimination, gender discrimination, age discrimination, hostile work environment, and wrongful retaliation. The district court dismissed all of those claims, except the one for wrongful retaliation, because Ms. Curry had not adduced any facts to support them. The court then evaluated the wrongful retaliation claim and entered summary judgment in defendant's favor, concluding that Ms. Curry's proffered evidence did not demonstrate the existence of a genuine issue of material fact that defendant did not hire her because she had filed a lawsuit against her former employer.

On appeal, Ms. Curry argues that the district court erred in (1) refusing to appoint counsel for her, (2) refusing to provide transcripts at government expense in two related cases, (3) ruling on the taking and filing of her deposition, (4) denying her motions for summary judgment, and (5) granting summary judgment against her despite the existence of disputed material facts. She also

alleges that the district court was biased in favor of corporations and against minorities, including her.

We review for an abuse of discretion a district court's decisions regarding the treatment of depositions and appointment of counsel in a civil case. Burks v. Okla. Publ'g Co., 81 F.3d 975, 981 (10th Cir. 1996) (discovery); Rucks v. Boergermann, 57 F.3d 978, 979 (10th Cir. 1995) (appointment of counsel). We review de novo the district court's grant of summary judgment, viewing the record in the light most favorable to the party opposing summary judgment. McKnight v. Kimberly Clark Corp., 149 F.3d 1125, 1128 (10th Cir. 1998). Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Celotex Corp. v. Catrett, 477 U.S. 317, 322-23 (1986); Fed. R. Civ. P. 56(c). Because plaintiff is representing herself on appeal, her pleadings will be liberally construed. Haines v. Kerner, 404 U.S. 519, 520 (1972).

We have carefully reviewed the record on appeal, as well as the briefs submitted by the parties. Applying the standards set out above, we affirm the judgment for the reasons stated by the district court.

We decline to consider Ms. Curry's conclusory and offensive charge that the district court was biased in favor of corporations and against minorities. This allegation is based on the district court's order granting summary judgment to

defendant. Adverse rulings alone cannot provide grounds for disqualification of a judge. Estate of Bishop v. Equinox Int'l Corp., 256 F.3d 1050, 1058 (10th Cir. 2001). Moreover, Ms. Curry did not file a motion to recuse.

The judgment of the district court is AFFIRMED. The mandate shall issue forthwith.

Entered for the Court

John C. Porfilio
Circuit Judge